

# FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

348

1. Dist. SPC P.S. Bhaktinagar Year 2023 FIR No. 893/23 Date 06/10/20232. D. IPC Sections 406/417/420/130B Act. - Sections -Sections - (iv) Others Acts & Sections -(a) Occurrence : Offence : Day - Date From 12/02/2019 Date To 13/9/2023Time Period : Time From Not mentioned Time To -Information received at P.S. Date 06/10/2023 Time 00.05 hrs.(c) General Diary Reference : Entry No(e) 291 Time 00.05 hrs.4. Type of Information : Written / Oral5. Place of Occurrence : (a) Direction and Distance from P.S. - Beat No. -(b) Address Land measuring 2.596 acres in Mohana-2 colony, Sheet No-05, JLNo-2 Pargana Railway the P.O. Khatia No-292 in R.S. Plot No-142, andLand measuring 3.894.

(c) In case outside limit of this Police Station, then the

Name of the P.S. - District -

6. Complainant / Informant :

(a) Name Sri Sakalu Roy(b) Father's / Husband's Name Mr. Jyotim Roy(c) Date / Year of Birth 46 years (d) Nationality Indian(e) Passport No. - Date of Issue : - Place of Issue -(f) Occupation Business(g) Address Sarbapally, Chayanpara, to Salugara, P.S. Bhaktinagar, Dist. J.P.S.

7. Details of known / suspected / unknown accused with full particulars

(Attach - sheet, if necessary) :

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11. Inquest

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15. Date &amp; Time of despatch to the court :

1] Debi Prasad Agarwala S/O- Lt. Mahabir Prasad Agarwala of Malbazar, PO & PS- Malbazar, Dist- Jalpaiguri, 2] Pradip Das S/O- Lt. Sukumar Das of Baikunthapally, near Bottle Company More, PS- Bhaktinagar, Dist- Jalpaiguri, 3] Shree Bajran Ventures a partnership firm having its registered office at Kelsons Complex, Ujjiban Bank Building, Sevoke Road, PO & PS- Siliguri, Dist- Darjeeling, represented its partner Sri Naving Agarwala S/O- Lt. Kedar Nath Agarwala of Ashrapara, Udam Sing Sarani, PO & PS- Siliguri, Dist- Darjeeling, 4] Sanjoy Kumar Garg S/O- Lt. Khusiram Agarwala @ Khusiram Garg, of Prarami Mondir Road, PS- Bhaktinagar, Dist- Jalpaiguri, 5] M/S Darjeeling Bio Organic Farms LLP, a partnership firm having its office at Sevoke Road, PS- Bhaktinagar, Dist- Jalpaiguri, represented by its partner Sri Shyam Agarwal, S/O- Ram Lal Agarwal of Basu Bihar Complex, Don Bosco School Road, PS- Bhaktinagar, Dist- Jalpaiguri, 6] Sri Biswanath Agarwala @ Biswanath Agarwal S/O- Lt. Prabhudayal Agarwala of Green View Apartment, Upper Bhana Nagar, PS- Bhaktinagar, Dist- Jalpaiguri, 7] Podder Vanijya Pvt. Ltd. Registered office at Seth Sri Lal Market, PO & PS- Siliguri, Dist- Darjeeling, represented by its Director Smt. Sihani Podder W/O- Sri Gobinda Podder of Sadhak Ram Prasad Sarani, Deshbandhu Para, PO & PS- Siliguri, Dist- Darjeeling, 8] Prem Kung Commodities Pvt. Ltd. Office at Metro Heights, 3rd Floor, Sevoke Road, PS- Bhaktinagar, Dist- Jalpaiguri, represented by its Director Smt. Binla Mantry W/O- Badri Lal Mantry of Club Town, D- 102, Sevoke Road, PS- Bhaktinagar, Dist- Jalpaiguri, 9] Sri Ramiwas Goyal, S/O- Lt. Murarilal Goyal of Doours Timber Complex, ITI Road, PS- Bhaktinagar, Dist- Jalpaiguri, 10] Ramiwas Goyal & Bros (HUF) represented by its Karta Sri Ramiwas Goyal S/O- Lt. Murarilal Goyal resident of Doours Timber Complex, ITI Road, PS- Bhaktinagar, Dist- Jalpaiguri, 11] Smt. Raj Kumari Goyal W/O- Sri Ramiwas Goyal, 12] Pawan Kumar Goyal Represented by its Karta Sri Ramiwas Goyal S/O- Lt. Murarilal Goyal, 13] Murarilal Goyal Represented by its karta Sri Ramiwas Goyal S/O- Lt. Murarilal Goyal, 14] Sri Binay Goyal S/O- Ramiwas Goyal, 15] Vinayaka Enterprise, a partnership firm having its registered office at Doours Timber Complex, ITI Road, PS- Bhaktinagar, Dist- Jalpaiguri, represented by its partner Sri Binay Goyal S/O- Ramiwas Goyal, 16] Sri Mahabir Goyal S/O- Lt. Murarilal Goyal, 17] Mahabir Goyal & sons (HUF) represented by its Karta Sri Mahabir Goyal S/O- Lt. Murarilal Goyal, 18] Smt. Rena Goyal W/O- Mahabir Goyal, 19] Sri Pawan Kumar Goyal S/O- Lt. Murarilal Goyal, 20] Sri Pawan Kumar Goyal & sons (HUF) represented by its karta Sri Pawan Kumar Goyal S/O- Lt. Murarilal Goyal, 21] Smt. Sunita Goyal W/O- Pawan Kumar Goyal, all of Doours Timber Complex, ITI Road, PS- Bhaktinagar, Dist- Jalpaiguri, 22] Sri Matin Das @ Matin Roy @ Motin Roy S/O- Lt. Bahar Roy @ Bahar Das of Sishabari, Uttar Palash, PS- Prodhannagar, Dist- Darjeeling, 23] Sri Gulgul Chand Gupta @ Gulgul Chandra Prasad S/O- Ramchandra Prasad of Sarbapally (Chayanpara), PO- Salugara, PS- Bhaktinagar, Dist- Jalpaiguri, 24] Sri Bapi Das S/O- Bablu Das of Sishabari, Uttar Palash, PO- Champasari, PS- Prodhannagar, Dist- Darjeeling, 25] Sri Jhansu Biswas S/O- R. Biswas of Sevoke Road, Siliguri, PO & PS- Siliguri, Dist- Darjeeling, 26] Sri Binoy Kr. Choudhury S/O- Lt. Amrit Kr. Choudhury "NEELKANTH", Netaji Polly, Ward No- 22, PO- Rabindra Sarani, Siliguri, 27] Sri Santosh Chhetri S/O- Ram Prasad Chhetri, Ward No- 44, PO- Sevoke Road, Dist- Jalpaiguri, 28] Sri Sonam Gulzen Sherpa S/O- Lt. K.C. Sherpa of Salugara, PS- Bhaktinagar, Dist- Jalpaiguri & 29] Sri Jugal Singhai, Advocate, Siliguri, Siliguri Bar Association, PO & PS- Siliguri, Dist- Darjeeling, Registration No- WB/3060911.

Inspector-in-Charge  
Bhaktinagar Police Station  
Siliguri

Name : Sri Amareesh SinghRank : No. 1/e, Bhaktinagar B.

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI**

**M.P Case No 299/23**

**SAKALU ROY VS DEBI PRASAD AGARWALA**

**Order dated:30-09-23**

This day the complainant has filed a petition praying for passing necessary direction to the concerned Police Station for treating the written complaint as FIR as per provisions of Section 156 sub-section (3) of the Criminal Procedure Code 1973. The complainant is present and he is examined by this court.

Heard by lawyer for the complainant.

Series of documents(photo copies) have been filed. Affidavit as stipulated by law has been filed. It is apparent that the modalities of section 154 (3) and section 36 of Criminal Procedure Code 1973 has been complied with. Thus the directions of the Hon'ble Supreme Court given in *Lalita Kumari versus State of U.P [2014] 2 SCC 1 and Priyanka Srivastava and another versus State of UP and others [2015]6 SCC 287* have been complied with.

Meticulously examined the petition in which allegations of cognizable offence/s have been disclosed. The facts prima facie reveal that criminal complexion can certainly be conjured up. The nature of allegations also persuades me to hold that intervention by police authority is necessary and the cause of justice can only be served by detailed probe.

Hence the prayer is allowed.

The written complaint be sent to I/C Bhaktinagar P.S. and I/C Bhaktinagar P.S. is directed to conduct investigation following the modalities of law treating the complaint as FIR and to file compliance report to this end at the earliest.

Let a copy of this order along with the petition of complaint be sent to the I/C Bhaktinagar P.S. Jalpaiguri who is directed to invest her own consideration to the facts alleged and he should not be influenced by the mere manifestation of the sections- if any- mentioned in the written complaint.

Be it mentioned here that if any police case has already been started on the basis of F.I.R. lodged by the complainant over the same facts as envisaged in the present complaint, in that event matter shall be reported to this Court and no fresh case shall be started until further order from this end.

Comply at once.

It is reiterated here that as per order of the Hon'ble High Court in CRM 4792/2019 FIR shall be drawn up at the police station not later than 24 hours from the date of receipt of order u/s 156(3) Cr.P.C. and non compliance of the same will entail action u/s 23 Police Act and departmental action also.

Fix 30-10-23 for compliance report from P.S. concerned.

CJM, Jalpaiguri

**Chief Judicial Magistrate**  
Jalpaiguri

Forwarded to Bhaktinagar P.S.  
for taking necessary action

Received on 06/10/23 at 00.05 hrs  
Vide BUN PS GDE NO-291 and started  
Bhaktinagar PS Case no - 893/23  
date 06/10/23 u/s - 406/427/420/120B  
IPC. SI Pramim Tamang will investigate  
the case.

06/10/23

Inspector-in-charge  
Bhaktinagar Police Station  
Jalpaiguri Police Commissionerate



MP-299  
Sakalya Roy  
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F.I.N. Misc. Petition /4294/2023  
District- Jalpaiguri.

**IN THE COURT OF LEARNED C.J.M. AT JALPAIGURI.**

**MISC. PETITION NO- \_\_\_\_\_ OF 2023.**

**NAME AND ADDRESS OF THE  
COMPLAINANT.**

SRI, SAKALU ROY  
S/O Late Jyotin Roy;  
Resident of Sarbapolly,  
Chayanprar, P.O. Salugara.  
P.S. Bhaktinagar, District-  
Jalpaiguri

**NAME AND ADDRESS OF  
THE ACCUSED PERSONS.**

01) SRI, DEBI PRASAD AGARWALA;  
Son of Late, Mahabir Prasad Agarwala;  
of Malbazar; P.O. & P.S. Malbazar  
District- Jalpaiguri.

02) SRI, PRADIP DAS;  
Son of Late, Sukumar Das  
of Baikunthapally, Near Bottle  
Company More; P.O. Sevoke Road;  
Siliguri; P.S. Bhaktinagar; District-  
Jalpaiguri.

(03) SHREE BAJRANJ VENTURES a  
partnership Firm having its registered office at  
Kelsons Complex, Ujjiban Bank Building,  
Sevoke Road, P.O. and P.S. Siliguri, District-  
Darjeeling- 734001, represented its partner  
Sri, Naving Agarwala; Son of Late, Kedar nath  
agarwala of Ashrampara, Udam Sing Sarani,  
P.O. & P.S. Siliguri- 734001, District-  
Darjeeling.

(04) SRI, SANJOY KUMAR GARG; Son of  
Late, Khusiram Agarwal@ Khushiram Garg, of  
Pranami Mondir Road, P.O. Siliguri, P.S.  
Bhaktinagar, District- Jalpaiguri, Pin Code No-  
734 001,

(05) M/S DARJEELING BIO ORGANIC  
FARMS LLP a partnership firm having its office  
at Sevoke Road, P.O. Siliguri, P.S.  
Bhaktinagar, District- Jalpaiguri, represented  
by its partner SRI, SHYAM AGARWAL, Son of  
Sri, Ram Lal Agarwal, resident of Bastu Bihar  
Complex, Don Bosco School Road, P.O.  
Siliguri, P.S. Bhaktinagar, District- Jalpaiguri  
Pin Code No- 734 001,

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SVT. OF WEST BENGAL  
20 SEP 2023



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(06) SRI, BISWANATH AGARWALA @ BISWANATH AGARWAL; Son of Late, Prabhudayal Agarwala, of Green View Apartment, Upper Bhanu Nagar, P.O. Siliguri, Pin Code No- 734001, P.S. Bhaktinagar, District- Jalpaiguri,

(07) PODDER VANIJYA PRIVATE LIMITED, Registered office at Seth Sri Lal Market, P.O. & P.S. Siliguri, District- Darjeeling; represented by its director SMT, SIBANI PODDER; Wife of Sri, Gobinda, Podder of Sadhak Ram prasad Sarani, Deshbandhu Para, P.O. & P.S. Siliguri, District- Darjeeling, Pin Code No- 734 004;

(08) PREM KUNJ COMMODITIES PRIVATE LIMITED Office at Metro Hights, 3rd Floor, Sevoke Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri, Pin Code No- 734 001, represented by its director SMT, BIMLA MANTRY; Wife of Badri Lal Mantry, resident of Club Town, D- 102, Sevoke Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri, Pin Code No- 734001.

(09) SRI, RAMNIWAS GOYAL, Son of Late, Murarilal Goyal resident of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

(10) RAMNIWAS GOYAL & BROS (HUF) represented by its Karta SRI, RAMNIWAS GOYAL, Son of Late, Murarilal Goyal resident of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

(11) SMT, RAJ KUMARI GOYAL, Wife of Sri, Ramniwa Goyal, of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001.





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(12) SRI, PAWAN KUMAR GOYAL; Represented by its Karta SRI, RAMNIWAS GOYAL, Son of Late, Murarilal Goyal resident of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

(13) MURARILAL GOYAL; Represented by its karta SRI, RAMNIWAS GOYAL, Son of Late, Murarilal Goyal resident of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001;

(14) SRI, BINAY GOYAL; Son of Sri, Ramniwas Goyal, resident of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001

(15) SRI, VINAYAKA ENTERPRISE a partnership firm having its registered office at Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001, represented by its partner SRI, BINAY GOYAL Son of Sri, Ramniwas Goyal, resident of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001.

(16) SRI, MAHABIR GOYAL, Son of Late, Murarilal Goyal; of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

(17) MAHABIR GOYAL & SONS (HUF) represented by its Karta SRI, MAHABIR GOYAL, Son of Late, Murarilal Goyal; of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

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(18) SMT, RENU GOYAL; Wife of Mahabir Goyal, of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

(19) SRI, PAWAN KUMAR GOYAL; Son of Late, Murarilal Goyal; of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

(20) SRI, PAWAN KUMAR GOYAL & SONS (HUF) represented by its karta SRI, PAWAN KUMAR GOYAL; Son of Late, Murarilal Goyal; of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

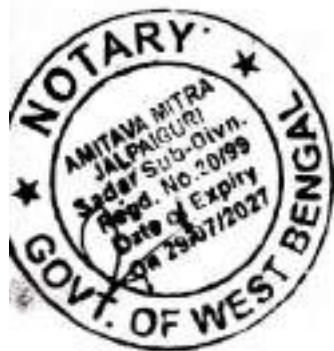
(21) SMT, SUNITA GOYAL, Wife of Sri, Pawan Kumar Goyal of Dooars Timber Complex, ITI Road, P.O. Siliguri, P.S. Bhaktinagar, District- Jalpaiguri Pin Code No- 734 001,

(22) SRI, MATIN DAS @ MATIN ROY @ MOTIN ROY; Son of Late, Bahar Roy @ Bahar Das; of Sishabari, Uttar Palash, P.O. Champasari, P.S. Prodhannagar, District- Darjeeling; Pin Code No- 734 003;

(23) SRI, GULGUL CHAND GUPTA @ GULGUL CHANDRA PRASAD, Son of Ramchandra Prasad, of Sarbapally (Chayanpara), P.O. Salugara, P.S. Bhaktinagar, District- Jalpaiguri,

(24) SRI, BAPI DAS; Son of Sri, Bablu Das of Sishabari, Uttar palash, P.O. Champasari, P.S. Prodhannagar, District- Darjeeling,

(25) SRI, JHANTU BISWAS; Son of R. Biswas; of Sevoke Road, Siliguri, P.O. & P.S. Siliguri, District- Darjeeling; PIN 734 001;





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(26) SRI, BINOY KR. CHOUDHURY; Son of Late, Amrit Kr. Choudhury; 'NEELKANTH' Netaji Polly; Ward No- 22, P.O. Rabindra Sarani, Siliguri; Pin Code No- 734 001;

(27) SRI, SANTOSH CHHETRI; Son of Ram Prashad Chettri; Ward No- 44, P.O. Sevoke Road; District- Jalpaiguri;

(28) SRI, SONAM GULZEN SHERPA; Son of Late, K.C. Sherpa; Salugara; P.O. Salugara Bazar; P.S. Bhaktinagar; District- Jalpaiguri Pin Code No- 734 008

(29) SRI, JUGAL SANGHAI; Advocate, Siliguri; Siliguri Bar Association; P.O. & P.S. Siliguri; District- Darjeeling, Registration No- WB/306/2011

**NAME AND ADDRESS OF THE WITNESS-**

- 01) SRI, AKALU ROY; Son of Late, Jatin Roy @ Das;
- 02) SMT, HEMSWARI ROY; Wife of Sri, Suren Roy;
- 03) SMT, KALPANA ROY; Wife of Sri, Shipen Roy. All are resident of Srahapolly (Chayanpara); P.O. Salugara; P.S. Bhaktinagar; District- Jalpaiguri;
- 04) SRI, RATHINDRA NATH CHOUDHURY; Son of Sri, Rabindranath Choudhury; resident of South Ektiashal, Dabgram, P.O. Sevoke Road; P.S. Bhaktinagar; District- Jalpaiguri Pin Code No- 734 001

**DATE AND TIME OF OCCURANCE-**

On- 12/02/2014, 29/05/2023, 25/08/2023 and Lastly on- 13/09/2023 and the offence is still continuing day to day.

The Complainant begs to state as follows:-



- 01) That one Pania Das, Son of Late Khunia Das, Rasamswari Das Wife of Late, Bajar Das, were recorded Raiyat in lands measuring- 12.98 Acres under Mouza- Dabgram, J.L. No- 02, R.S. Khatian No- 292 in Sheet No- 4 and 5 R.S. Plot No- R.S. plot No- 142 land measuring- .60 Acres, R.S. Plot No- 161 land measuring- 5.52 Acres of Sheet No- 5, and in Sheet No- 4 R.S. Plot No- 24/130 land measuring- 2.24 Acres, R.S. Plot No- 24/131 land measuring- 2.06 Acres, R.S. Plot No- 24/132 land measuring- 1.86 Acres, R.S. Plot No- 141 land measuring- 0.70 Acres.

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02) That one Jatin Roy @ Das Son of Late, Bahar Das was the owner of land ad-measuring- 2.596 Acres in Mouza- Dabgram under Sheet No- 05, J.L. No- 2, Pargana Baikunthapur, Khatian No- 292 in R.S. plot No- 142 land measuring- .12 Acres, R.S. Plot No- 161 land measuring- 1.104 Acres, and in Sheet No- 4 R.S. Plot No- 24/130 land measuring- 0.448 Acres, R.S. Plot No- 24/131 land measuring- 0.412 Acres, R.S. Plot No- 24/132 land measuring- 0.372 Acres, R.S. Plot No- 141 land measuring- 0.14 Acres. And Rasamswari Das Wife of Bajar Das was the another recorded owner of land ad-measuring- 3.894 Acres in the above referred Khatian and plots. It is worthy to mention here that in R.S. Khatian No- 292 under Mouza- Dabgram in sheet No- 4 and 5 R.S. Plot No- 24/131 land measuring- 2.06 Acres, R.S. Plot No- 24/132 land measuring- 1.86 Acres, R.S. Plot No- 161 land measuring- 5.52 Acres are the suit plots.

03) That the said Jatin Roy @ Das Son of Late, Bahar Das being the absolute owner of the above mentioned 2.596 Acres of land and Rasamswari Das Wife of Bajar Das was the another recorded owner of the above mentioned 3.894 Acres after demise of the father of the complainant viz Jatin Roy @ Das and demise of the Complainant aunty there is/was no others legal heirs except these Complainant and others inherited the property situated within Mouza- Dabgram, P.S. Bhaktinagar, District- Jalpaiguri.

04) That the Accused No- 1 & 2 appointed attorney of the Complainant were well known to the Complainant from long past and vice-versa resulting said arrangement.

05) That, the Complainants states that Accused No- 1 & 2 agreed to act as attorney for the purpose of dealing with the matter of transferring the landed property in question and requested the Complainants to give them some amount as their remuneration.







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- 06) That the Complainants on good faith on- 20<sup>th</sup> day of February 2014 executed a Power of Attorney being Book No- IV, C.D. Volume Number- 01, documents numbers 185 in pages 2110 to 2126 Registered in the Office of ADSR, Siliguri and appointed the Accused No- 1 & 2 as the attorney on their behalf for sale of the land more specifically and clearly mentioned in the schedule hereunder who as such attorney transferred suit land executing of registering number of deeds on behalf of Complainants receiving the sum of Rs. 12,94,53,442/- (Rupees twelve cores ninety four lakhs fifty three thousand four hundred forty two) only as considering money being market value appearing in said deeds from the buyer, wherein the Accused No- 22 to 28 had been the witness and writer.
- 07) That the Accused No- 1 and 2 on- 19<sup>th</sup> day of April' 2023 by virtue of Deed of Conveyance being No- 3963 for the year 2023 and 29<sup>th</sup> day of May' 2023 by virtue of Four Registered Deed of Conveyance being Numbers 4339, 4340, 4341 and 4342 for the year 2023 registered in the office of ADSR, Bhaktinagar, District- Jalpaiguri, transferred the schedule land more specifically and clearly mentioned in the schedule hereunder in favour of the Accused No- 3 to 21 herein the Accused No- 22 to 29 shown to be the witness and writers of the said deeds and the Accused No- 30 to 34.
- 08) That the Accused No- 1 & 2 along with their associates Accused No- 3 to 29 after sale of the land assured Complainants to pay them of Rs. 12,94,53,442/- (Rupees twelve cores ninety four lakhs fifty three thousand four hundred forty two) as collected on account of consideration money from sale of land more specifically and clearly mentioned in the schedule below soon but did not pay but held the same themselves.





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- 09) That the Accused No- 3 to 21 in collusion with other Accuseds have been now trying to further transfer the land as described in the schedule hereunder to third party in order to make obstruction to the Complainants in getting and realizing the money in question of Rs. 12,94,53,442/- (Rupees twelve cores ninety four lakhs fifty three thousand four hundred forty two) only from the Accused No- 1 & 2 to which the Complainants are entitled legally and they are bound and liable to pay the same to the Complainants.
- 10) That the Accuseds under a pre-mediated plan defrauded the Complainants and having gained dominion over the land more specifically and clearly mentioned in the schedule of power of attorney have been trying to misappropriate the said consideration money from the sale worth of Rs. 12,94,53,442/- (Rupees twelve cores ninety four lakhs fifty three thousand four hundred forty two) only.
- 11) That the Accused failed to pay the consideration from sale of the land i.e. Rs. 12,94,53,442 /- (Rupees twelve cores ninety four lakhs fifty three thousand four hundred forty two) only even after several requests made by the Complainants and eventually it is found that the Accused are deliberately avoiding the payment.
- 12) That the Complainants have come to know that although the Accused No- 1 & 2 assured that Complainants that consideration from sale of the land would be Rs. 12,94,53,442 /- ( Rupees twelve cores ninety four lakhs fifty three thousand four hundred forty two) only the market value in the Deeds of Sale being numbers 3963, 4339, 4340, 4341 and 4342 it has been shown to be as Rs. 11,82,00000/- (Rupees eleven cores eighty two lakhs) only on set forth value inspite of the fact that the market value of the same as per the query is more than of Rs. 1,12,53,442/-.

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Sakalu Roy

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Sakalu Roy (SRI)  
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- 13) That the complainant thereafter on- 25/08/2023 lodged a written complaint to the Inspector-in-Charge of Bhaktinagar P.S stating all the facts by disclosing the cognizable offence in the said written complaint but the police did not receive the said complainant thereafter this complainant send their complaint Registered Post vide No- RW 621305401 IN after receive they take any action against the accused persons till date.
- 14) That thereafter on- 13/09/2023 the complainant reported the said incident to the Police Commissioner of Siliguri Police Commissionerate of Siliguri in writing annexed with the F.I.R earlier but till now no action was taken by the police against the wrong doers.
- 15) That the complainant has waited for a considerable period that the police would take action but to no avail and hence the delay has caused for filing this complaint before Your Honour.
- 16) That the accused persons has committed the offence of criminal breach of trust and cheating and as such are punishable in accordance with law.

In the premises aforesaid it is accordingly prayed that Your Honour would graciously be pleased to treat this complain as F.I.R. Under Section 156 (3) Cr. P.C. and direct the Inspector-in-Charge of Bhaktinagar P.S. for investigation into the matter and accordingly in accordance with law or pass any other order or order as Your Honour may deem fit and proper.

And for this act of kindness Your petitioner as in duty bound shall ever pray.

**VERIFICATION**

I, SRI, SAKALU ROY, the petitioner of the instant petition do hereby state and declare that the statement made above are all true to my knowledge and belief and the rest portion are my respectful submission before this Ld. Court and I sign this verification on this the 30<sup>th</sup> day of September' 2023 at Jalpaiguri.

Sakalu Roy

....Contd... P/ 10 Affidavit...



AFFIDAVIT



I, SRI, SAKALU ROY, Son of Late, Jatin Roy, aged about - 46 years, by religion - Hindu, by occupation - ~~old age~~ <sup>Business</sup>, residing at village- Sarbapolly (Chayanpara), P.O.- Salugara, P.S. - Bhaktinagar, District- Jalpaiguri; do hereby solemnly affirm state and declare as follows :-

01). That I am the Complainant the of the above noted complain and am well conversant with the facts and circumstances of the instant case.

.... This is true to my knowledge.

02). That the statements made in foregoing paragraphs save and except the prayer portion are true to the best of my knowledge and prayer portion is my submission before this Ld. Court.

I sign this Affidavit on this 30<sup>th</sup> day of September' 2023 at Jalpaiguri Court Premises.



Sakalu Roy

Declarant.

Identified by me,

Rakhib Jamal

Advocate, Jalpaiguri.

30/09/23

Solemnly Affirmed Before Me  
On Proper Identification  
[Signature]  
ARMITAVA MITRA, Notary  
Regd. No. 20/89 Date of Expiry On 29/07/2027  
Jalpaiguri

30 SEP. 2023